



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
	:	
KAREN COLON, LPN	:	FINAL ORDER
License # 26NP05645300	:	OF DISCIPLINE
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Karen Colon ("Respondent") is a Licensed Practical Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about May 13, 2013, Respondent completed and submitted an online biennial renewal application. Respondent

was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2013," referring to the biennial renewal period of June 1, 2011 to May 31, 2013. Respondent answered "Yes" and certified that answer by submitting the online application.

3. On July 30, 2014, the Respondent was arrested by the Point Pleasant Beach Police Department for violation of N.J.S.A. 2C:35-10A(4) (Possession of Marijuana/Hash).

4. On August 21, 2014, the Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and continuing education to Respondent's address of record in Newark, New Jersey, via regular and certified mail.

5. Respondent partially responded to the Board's request. Respondent provided a narrative and admitted that after a day at the beach, as she and her minor child were walking to the train, she had her child walk ahead of her while she smoked marijuana. She was placed on supervisory treatment for one year. She has not yet completed the supervisory treatment. Respondent indicated that she works as a home care nurse for pediatric patients. Respondent failed to provide any documentation of any continuing education completed.

CONCLUSIONS OF LAW

The Board finds that Respondent is presently engaged in drug use that is likely to impair her ability to practice nursing with reasonable skill and safety pursuant to N.J.S.A. 45:1-21(1) and has been convicted of, or engaged in acts constituting, any crime or offense relating adversely to the practice of nursing pursuant to N.J.S.A. 45:1-21(f). The Board further finds that testing, monitoring, evaluation, and treatment are warranted, as a condition for continued licensure, to evaluate whether Respondent's continued practice as a nurse may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(f) and to ensure that Respondent can properly discharge nursing functions pursuant to N.J.S.A. 45:1-22(e).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the

biennial period of June 1, 2011 to May 31, 2013. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on April 1, 2015, provisionally suspending respondent's nursing license and imposing a reprimand and a \$250 civil penalty, and ordering a comprehensive mental health and substance abuse evaluation under the auspices of the Recovery and Monitoring Program of New Jersey (RAMP). A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, via her attorney. Documentation of required continuing education was

provided for the June 1, 2011-May 31, 2013 licensing cycle, and it was timely completed. Moreover, respondent's attorney indicated that respondent had not been found guilty of the violation of a municipal ordinance, but had been admitted into the conditional discharge program, and that the proceedings against her had been suspended. Respondent's attorney argued that respondent was not "presently" engaged in drug use, that she was being monitored for drug use by the Court, and that she had to date tested negative for drug use. The Board considered this matter, and determined that suspension was no longer applicable, and that the reprimand and \$250 provisionally imposed, for misrepresentation as to continuing education on her renewal application, and failure to timely complete continuing education, were not warranted. However, the Board noted and respondent had engaged in the use of marijuana, in public, on July 30, 2014, which is sufficiently recent to be deemed current. Moreover, RAMP is a program specifically directed at nurses, and has expertise in evaluating whether respondent is fit to practice nursing, with or without monitoring, at this time.

ACCORDINGLY, IT IS on this 25th day of June, 2015,

ORDERED that:

1. Respondent shall undergo a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program, the Recovery and Monitoring Program (RAMP). Respondent shall contact RAMP and enroll in and begin participation with RAMP within 30 days.

2. By undergoing evaluation, Respondent expressly waives any claim of privilege or confidentiality that she may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in any proceedings.

3. All costs associated with the evaluation, monitoring, and/or treatment outlined above shall be the responsibility of, and paid directly by, Respondent.

4. The Board reserves the right to initiate disciplinary proceedings based upon any new information that it receives in connection with respondent's July 30, 2014 arrest, or if respondent does not cooperate with RAMP.

NEW JERSEY STATE BOARD OF NURSING

By: *Patricia Murphy PhD APN*
Patricia Murphy, PhD, APN
Board President